

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayats – Appeal Petition filed by Sri Y. Mahender Reddy, Sarpanch (U/s) Ibrahimpetta Gram Panchayat, Anumala Mandal, Nalgonda District – Against the proceedings of the District Collector (PW), Nalgonda District – Appeal Petition - Allowed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 1260

Date: 06- 08-2011.
Read the following:

1. From the Dist. Collector, Nalgonda Dist., Procds. No.23/11-B1(Pts), Dated 23-05-2011.
2. Appeal Petition received from Sri Y. Mahender Reddy, Sarpanch (U/s) Ibrahimpetta Gram Panchayat, Anumala Mandal, Nalgonda District, dt. 26-5-2011.
3. Govt.Memo.No.11505/Pts.II/A1/2011-1, Dt.27.5.2011.
4. From the Dist. Collector, Nalgonda Dist., Procds. No.23/11-B1(Pts), Dated 06-06-2011.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nalgonda District has suspended Sri Y. Mahender Reddy from the post of sarpanch, Ibrahimpetta Gram Panchayat, Anumala Mandal, Nalgonda District U/s 249(6) of Andhra Pradesh Panchayat Raj Act, 1994 for misuse of powers.

2. Aggrieved by the said orders, in the reference 2nd read above, Sri Y. Mahender Reddy, Sarpanch (U/s) Ibrahimpetta Gram Panchayat, Anumala Mandal, Nalgonda District has filed an Appeal Petition before Government and requested to suspended the proceedings of the District Collector(PW), dated 23-05-2011.

3. In the reference 3rd read above, Government while granting stay against the Proceedings of District Collector (PW), Nalgonda has requested the District Collector to furnish his report for taking further action.

4. In the reference 4th read above, the District Collector (PW), Nalgonda has reported that based on the report submitted by the District Planning Officer, Nalgonda regarding sanction of G+4 Apartment in Sy.No. 297/2 without resolution of Gram Panchayat, a show cause notice was issued to the sarpanch calling his explanation U/s 249(6) of APPR Act 1994 within 15 days. The sarpanch in his explanation has stated that he has approved the layout only G+2, but the Applicant has constructed G+4 without notice of the Gram Panchayat. Notices have also issued to the applicant for his reply on the illegal construction of house. In reply to the notice the applicant Sri G. Venkateswar Rao has stated that he would be approved the revised layout within three months. The explanation of the Sarpanch of Ibrahimpetta has been referred to the Divisional Panchayat Officer, Miryalaguda for his remarks. After examination of the report, it has observed that the sarpanch has not eligible to sanction of layout. Hence, he was placed under suspension.

5. The case was heard on 01.08.2011, Sri Mahender Reddy, Sarpanch and District Panchayat Officer, Nalgonda appeared for hearing and produced relevant documents. Government perused all the records and enquired into the details from both the parties.

6. It is observed that it is a fact that the Gram Panchayat Ibrahimpett accorded permission for construction of G+2 building in favour of Sri G. Venkateshwar Rao in Sy. No. 297/2 in an extent of 726 sq. yards. The proceedings according permission was signed by Panchayat Secretary of Ibrahimpett Gram Panchayat. The Sarpanch of the Gram Panchayat has also put his initials on the proceedings copy. The Panchayat

(Contd..2)

Secretary has accorded permission for G+2 building for which Panchayat Secretary is competent as per rules under the APPR Act. The initials put in by the sarpanch need not be found fault with since the Panchayat secretary has already signed the same and the initials of the sarpanch was an additional only.

7. During the hearing it has observed that the Gram Panchayat Ibrahimpetta has followed the due procedure while according permission for construction of G+2 building in the said survey number. There is no irregularity committed by the Gram Panchayat as far as the procedure is concerned. However deviating from the provisions of the sanction accorded, the owner of the house Sri G. Venkateshwar Rao has constructed building with G+4, even though the Gram Panchayat sanctioned only for G+2 building. Therefore, such deviation must be corrected by duly following procedures prescribed in Layout and Building rules issued under GO.MS.NO.67 (PR&RD) Department dated 22.02.2002 and other relevant rules made under APPR act 1994 duly invoking the penalty provisions for not adhering to the rules. Therefore the District Collector (PW), Nalgonda is directed to take necessary corrective measures in the matter as per the said rules.

8. The Government after careful examination of the matter hereby allowed the Appeal Petition filed by Sri Y. Mahender Reddy, Sarpanch (U/s) Ibrahimpetta Gram Panchayat, Anumala Mandal, Nalgonda District by set aside the District Collectors proceedings issued vide proceedings dt. 23.5.2011 1st read above, since neither the Gram Panchayat nor the Sarpanch violated any rules made under APPR Act while according permission for construction of G+2 in Sy. No. 297/2 in Ibrahimpetta Gram Panchayat.

9. The District Collector (PW), Nalgonda District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector (PW), Nalgonda District.
The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.
The District Panchayat Officer, Nalgonda District.

Copy to:

Sri Y. Mahender Reddy, Sarpanch (U/s) Ibrahimpetta Gram Panchayat, Anumala
Mandal, Nalgonda District
The Government Pleader for (PR&RD), High Court of A.P. Hyderabad.
P.S. to M(PR&RWS)
The P.S to Prl. Secy.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER